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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/536,919

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Ziaoling Shao

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

LAI, MICHAEL C

ART UNIT

PAPER NUMBER

2457

MAIL DATE

DELIVERY MODE

03/02/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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| <p align="center">Advisory Action Before the Filing of an Appeal Brief</p> | <p>Application No. 10/536,919</p> | <p>Applicant(s) SHAO ET AL.</p> | |
| | <p>Examiner MICHAEL C. LAI</p> | <p>Art Unit 2457</p> | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 February 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 2,4-12,14 and 16-24.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/YVES DALENCOURT/
Primary Examiner, Art Unit 2457

Continuation of 11. does NOT place the application in condition for allowance because: In the remarks, the applicant argues in substance that: A) The Cited Art Fails to Disclose Direct Wireless Delivery of Multimedia Messages Between User Agents as Required by All of Applicants' Claims. Caloud does not teach direct wireless delivery of a multimedia message from a first multimedia messaging service (MMS) user agent to a second MMS user agent, nor does Caloud disclose means for forwarding the obtained Internet address to the first MMS user agent to enable the first MMS user agent to wirelessly deliver the multimedia message directly to the second MMS user agent using the obtained Internet address. B) The Cited Art Fails to Disclose Obtaining and Sending an IMSI Address as Required by Applicants' Claims 4 and 16 (and All Claims Depending Therefrom). Caloud's caller set 101 (the originating terminal) is not provided the mobile terminal 108's (the receiving terminal) internet address directly from the core network as alleged by examiner. Instead, sending of the internet address of the mobile terminal 108 to the caller set 101 of Caloud requires execution of 5 more steps. C) The Cited Art Fails to Disclose Obtaining an IMSI Address From a Home Location Register (HLR) as Recited in Applicants' Claims 5 and 17. Utilization of the HLR by Caloud to verify the state of the terminal cannot be equated with use of a HLR to obtain the IMSI address from the HLR. Caloud therefore fails to disclose the above-identified features of claims 5 and 17. D) 3GPP MMS fails to Disclose a First MMSE That is Different From a Second MMSE, and Communication Between Two MMS Servers. Nothing in 3GPP MMS teaches or suggests direct wireless delivery of a multimedia message from a first multimedia messaging service (MMS) user agent located in a first multimedia messaging service environment (MMSE) to a second MMS user agent located in a second MMSE.

In response to A), one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The examiner relies on Vaananen for teaching Direct Wireless Delivery of Multimedia Messages Between User Agents [see col. 2, lines 14-25, and col. 4, lines 60-61], not Caloud. As indicated in the final office action, Caloud teaches means for sending the MSISDN to a core network, means for obtaining an international mobile subscriber identity (IMSI) address corresponding to the MSISDN from the core network, means for sending the obtained IMSI address to the core network, and means for obtaining the Internet address corresponding to the IMSI from the core network. Since the limitations do not specify sending the MSISDN to a core network, obtaining an IMSI address corresponding to the MSISDN from the core network, sending the obtained IMSI address to the core network, and obtaining the Internet address corresponding to the IMSI from the core network, "directly", Caloud meets the requirement.

In response to B), again, the limitations do not specify obtaining the internet address "directly" from the core network, Caloud meets the requirement.

In response to C), it is well known in the art that the HLR contains mobile information including MSISDN/IMSI. Caloud teaches connecting the resolution server 119 to the HLR of the GSM network. One skilled in the art will have no difficulty using a HLR to obtain the IMSI address from the HLR.

In response to D), again, the examiner relies on Vaananen for teaching direct wireless delivery of a multimedia message from a first multimedia messaging service (MMS) user agent located in a first multimedia messaging service environment (MMSE) to a second MMS user agent located in a second MMSE, not 3GPP. Also the statement "a First MMSE That is Different From a Second MMSE" is not in any claim. This argument is moot.

In view of the foregoing, the examiner maintains the final rejection.

The amendment is not entered because there are no changes in the claims and the status identifiers of claims 10 and 22 should be "Original", not "Previously presented".